

REMARKS

Claim 1 is amended and claims 2-7 are added as new claims herein. Support is found, for example, on page 3, lines 23-25, and line 31 to page 4, line 1, page 8, lines 10-11 and page 11, lines 21-23 . Hence, no new matter is presented.

Accordingly, upon entry of the Amendment, claims 1-7 will be all of the claims pending in the application.

I. Response to Claim Rejection under 35 U.S.C. § 112, 2nd Paragraph

Claim 1 is rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite with respect to the terms "thin" and "fast". The Examiner states that these terms are relative terms and are not defined by the specification. Further, the Examiner states that the word "type" renders the claim indefinite.

Applicants respectfully traverse the rejection and submit that the terms "thin", "fast", and "type" are part of the phrase, "thin-layer revolving-type fast stirring apparatus" which is defined in the present specification. Specifically, on page 3, lines 12-20 of the specification, the "thin-layer revolving-type fast stirring apparatus" is defined as:

a high speed stirring apparatus in which a stirrer having a diameter slightly smaller than the inner diameter of a cylindrical stirring tank is placed coaxially in the stirring tank, a small amount of processing object liquid is supplied to the stirring tank, and the stirrer is rotated at a high speed to stir this processing object liquid while it is made to rise in such a manner that it is formed into a shape of [a] thin-layer cylinder, wherein a circulation passage with a buffer liquid delivery pump and a cooler connected in series is provided between a discharge port and a supply port of the stirring tank for the processing object liquid, and a drain valve for the processing object liquid is provided in the circulation passage.

The apparatus is further described at pages 7-9 and Fig. 2 of the specification. Thus, the terms are sufficiently defined and when properly read in light of the specification one of ordinary skill in the art would be able to readily ascertain the meaning and scope of the claim. However, Applicants have deleted the word “-type” in an effort to facilitate and expedite prosecution.

Accordingly, Applicants respectfully request withdrawal of the claim rejection under 35 U.S.C. § 112, 2nd paragraph.

II. Claim Rejection over Masaki et al

Claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Masaki et al (US 2002/0045067). The Examiner states that the process elements in the claims have not been given patentable weight because process elements carry no weight in article claims, unless they can be shown to produce a patentably distinct article.

Applicants respectfully traverse the rejection and submit that Masaki et al does not disclose, teach or suggest all elements of the claimed invention.

First, Applicants submit that the rejection is improper in that the Examiner states that the process elements of the claim have not been given patentable weight. The present claim 1 is directed to a method for producing a magnetic recording medium and therefore is a process claim and all process elements must be considered and given patentable weight.

Further, Masaki et al discloses a method involving kneading and dispersing the ferromagnetic powder and the binder resin to obtain the disclosed magnetic recording medium, whereas the present invention is directed to a method of producing a magnetic recording medium wherein liquid A and solution B are mixed by a thin-layer revolving-type fast stirring

apparatus, which is a critical aspect of the claimed invention. In fact, the present invention seeks to solve the problems associated with conventional methods employing kneading as discussed in the paragraph bridging pages 1 and 2 of the present specification. Thus, Masaki et al does not disclose all elements of the claimed invention, particularly mixing liquid A and solution B with a thin-layer revolving-type fast stirring apparatus.

Accordingly, the claimed invention is not anticipated by Masaki et al and Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) over Masaki et al.

III. Response to Claim Rejection over Doushita et al

Claim 1 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Doushita et al (US 6,641,891).

Applicants respectfully traverse the rejection and submit that Doushita et al does not disclose, teach or suggest all elements of the claimed invention.

Specifically, the claimed invention is characterized in that liquid A and solution B are mixed in a "thin-layer revolving-type stirring apparatus", which is a critical aspect of the claimed invention and which is a positive element of the claim and should be given patentable weight. Doushita et al does not disclose, teach or suggest this element of the present claim 1. Thus, Doushita et al does not anticipate the presently claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e) over Doushita et al.

IV. Response to Obviousness-Type Double Patenting Rejection

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,641,891 to Doushita et al.

Applicants respectfully traverse the rejection and submit that the claims of Doushita et al does not disclose, teach or suggest the claimed invention of producing a recording medium wherein liquid A and solution B are mixed in an apparatus as recited in claim 1 of the present application.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

V. Response to Claim Rejection over Schunemann et al

Claim 1 is rejected under 35 U.S.C. § 102(b) over Schunemann et al as allegedly being anticipated. The Examiner states that the process elements carry no weight in article claims unless they can be shown to produce a patentably distinct article.

Applicants respectfully traverse the rejection and submit that Schunemann et al does not disclose, teach or suggest the claimed invention. First, Applicants note that the claim 1 is a process claim and the process elements therein are to be given patentable weight. Further, Schunemann et al discloses a process involving kneading and teaches that the process employs a self-purging single-shaft blade-type kneading apparatus. However, Schunemann et al does not disclose teach or suggest mixing liquid A and solution B in a thin-layer revolving-type fast stirring apparatus as recited in claim 1 of the present application.

Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C.

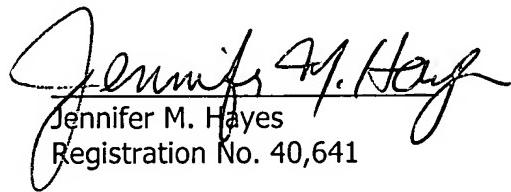
§ 102(b) over Schunemann et al.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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